

JURISDICTION:

INDIANA

General References:

This chapter summarizes Indiana State statutes related to speed.
Burn's Indiana Statutes Annotated and Indiana Administrative Code (IAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards than existing. This includes special hazards such as going around a curve, approaching a hill, traveling upon a narrow or winding roadway. §§9-21-5-1 & 9-21-5-4

Statutory Speed Limit:
See Other below.

Note: The law is not clear but the following may be *prima facie* speed limits. §9-21-1-3(a)(11)
65 MPH, except for certain vehicles noted under "Other" below, on an interstate or defense highway located outside an urban area with a population $\geq 50,000$ §9-21-5-2(3)
55 MPH on other highways §9-21-5-2(2)
30 MPH in an urban district §9-21-5-2(1)
15 MPH in an alley §9-21-5-2(5)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or lower the above speed limits on any part of a highway.¹ §§9-21-5-3 & 9-21-5-12(a)
II. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed on any part of a highway or establish the maximum safe speed on the streets within its jurisdiction.² §§9-21-1-3(a)(5) & (11), 9-21-5-3 and 9-21-5-6(a) & (b)

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic. §9-21-5-7
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §9-21-8-2(b)

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State Department of Transportation or a local government, for highways with its jurisdiction, may establish a minimum speed on any part of a highway. §9-21-5-8

Other:

I. A vehicle with a gross weight $\geq 26,001$ lbs. shall not be driven at speed greater than 60 MPH. §9-21-5-2(4)

Basis for a Speed Law Violation: (continued)

¹The department may also establish different maximum speed limits either (1) for different times of the day, (2) for various types vehicles, (3) for various weather conditions or (4) for other factors related to speed. §9-21-5-12(b)

²However, such government cannot (1) decrease a maximum speed limit within an urban district to less than 20 MPH, (2) increase the maximum speed limit within an urban district to more than 55 MPH during the day or 50 MPH at night, (3) decrease the maximum speed limit outside an urban district to less than 30 MPH, (4) decrease the maximum speed limit in an alley to less than 5 MPH and (5) increase the maximum the speed limit in an alley to more than 30 MPH. §9-21-5-6(a) However, local government may establish a speed limit on a street located within a park or playground at not less than 15 MPH. §9-21-5-6(e) In addition, a local government may also establish a speed limit of not less than 20 MPH on a State highway which is located in the immediate vicinity of a school. Such a limit is only in effect when children are present. §9-21-5-6(d)

INDIANA

Other: (continued)

II. An "oversized vehicle"³ shall not be driven at a speed greater than 45 MPH. §9-21-5-5

III. Based on engineering and traffic investigations, the State Department of Transportation may establish a safe maximum speed on any bridge or elevated structure. §9-21-5-10

IV. The State Department of Transportation or a local government may establish a temporary safe maximum speed limit at a worksite. §9-21-5-11

V. A vehicle which is not ordinary operated at speed >25 MPH cannot be operated above this speed. Such vehicles include pulled, towed, self-propelled or animal-drawn vehicles. §9-21-9-1

VI. A motorized bicycle may not be operated at a speed greater than 25 MPH. §9-21-11-12(4)

VI. A school bus cannot be driven >55 MPH on a Federal or State highway or >40 MPH on any country or township highway. §20-9.1-5-10

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

I. Except as noted under II. all Speed Law Violations are Class C Infractions. §§9-21-5-13, 9-21-8-49, 9-21-9-7 & 9-21-11-12

II. A person, who operates a school bus in violation of VI above or who otherwise exceeds the posted speed limit while operating such a motor vehicle, commits a Class C Misdemeanor. §20-9.1-5-22

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Class C Infraction-**None**

Class C Misdemeanor-Not more than **30 days** §35-50-3-4

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Class C Infraction-Not more than **\$500** §34-28-5-4(c)

Class C Misdemeanor-Not more than **\$500** §35-50-3-4

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Note: If a person attends a "defensive driving course," their point accumulation total is reduced by 4 points. §140 IAC §1-4.5-7

Other:

Exceeding Construction Zone Speed Limit. The court may order a person to pay a fee of **\$25** for exceeding a worksite speed limit. §33-19-6-14(b)

Exceeding Speed Limit in School Zone (with Children Present). Class B Infraction-Not more than **\$1,000** §9-21-5-13 & 34-28-5-4(b)

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Licensing Action:

³An "oversized vehicle" is one which is either has (1) a width >8 feet, 6 inches, (2) a height >6 feet, 6 inches, or (3) a length >80 feet. §9-21-5-5

Type of Licensing Action (Susp/Rev):	Suspension⁴ §9-30-4-9(a)(4)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §9-30-4-9(g)
Mandatory Minimum Term of Withdrawal:	None A restricted license for employment purposes may be issued. §9-24-15-2

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<u>Speed Contests on Highways or Streets:</u>	Class B Misdemeanor §§9-21-6-1 & 9-21-6-3
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 180 days §35-50-3-3
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$1,000 §35-50-3-3
Mandatory Minimum Fine:	None

Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension⁴ §9-30-4-9(a)(4)
Length of Term of Licensing Withdrawal:	Not more than 1 year §9-30-4-9(g)
Mandatory Action--Minimum Length of License Withdrawal:	None A restricted license for employment is available. §9-24-15-2

⁴**Point System.** The point system is used by the licensing agency as a means aiding it in identifying persons who have committed traffic law violations and determining whether such person's license should be suspended for such offenses. The system does not establish a threshold point accumulation level that would automatically result in either license suspension or revocation. I. A person is placed on probation if they accumulate 12 points within 24 months (10 points within 24 months if under 18 years old) or 8 points within 1 year. II. A person is required to appear for an administrative hearing if they either (1) have accumulated 8 or more points prior to the start of the probationary period but where such points were not used to determine probationary status or (2) have accumulated 17 points. III. The following points have been assigned to speeding or speed related violations: 1 to 15 MPH over the speed limit-2 points; 16 to 25 MPH over the speed limit-4 points; over 25 MPH over the speed limit-6 points; speeding in a school bus, where the speed is not indicated or where the speed is 1 to 15 MPH in excess of limit-6 points; speeding in a school bus, where the speed is >15 MPH in excess of the limit-8 points; minimum speed law violation (including not driving in the right-hand lane when proceeding at less than the normal speed of traffic)-2 points; unsafe speed on bridge or elevated structure-4 points; speed contest-8 points; reckless driving-6 points; reckless driving resulting in either personal injury or property damage-8 points; and, criminal reckless driving-8 points. §9-14-2-2 and 140 IAC §§1-4.5-2, 1-4.5-4, 1-4.5-6, 1-4.5-7 & 1-4.5-10

INDIANA

Other:

Other Criminal Actions Related to Speeding: (continued)

Reckless Driving⁵:

Sanction:

Class B Misdemeanor §§9-21-8-50 & 9-21-8-52

Criminal:

Imprisonment (Term):

Not more than **180 days** §35-50-3-3

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §35-50-3-3

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension⁴ §9-30-4-9(a)(4)

Length of Term of License

Withdrawal Action:

Not more than **1 year** If the offense resulted in property damage, an offender's license is subject to suspension from 30 days to 1 year. §§9-21-8-52(b) & 9-30-4-9(g)

Mandatory Term of License

Withdrawal Action:

Limited A restricted license for employment purposes may be issued. §9-24-15-2 However, there appears to be a 30 day mandatory suspension if the offense resulted in property damage. §9-21-8-52(b) & 140 IAC §1-4.5-10(d)

Other:

Criminal Recklessness⁶:

Sanction:

Class A Misdemeanor §35-42-2-2(b)

⁵Reckless driving is defined as follows. I. Operating a vehicle at either a such high or low rate of speed such as to either endanger the safety or property of others or block the proper flow of traffic. §9-21-8-52(a)(1) II. Passing a vehicle on a curve where vision is obstructed for a distance of <500 feet. §9-21-8-52(a)(2) III. Driving a vehicle in an out of a line of traffic except as otherwise permitted. §9-21-8-52(a)(3) IV. Speeding up or refusing to give half of the roadway to a driver desiring to either pass or overtake. §9-21-8-52(a)(4) V. Passing a school bus but when the arm signal device is in operation. §9-21-8-52(a)(5) VI. Operating a tractor-trailer so as to either endanger the safety or property of others or block the flow of traffic. §9-21-8-50

⁶A person commits "criminal recklessness" if they operate a motor vehicle in such a manner as to create a substantial risk of bodily injury. §35-42-2-2(b)

INDIANA

Criminal:
 Imprisonment (Term): Not more than **1 year** §35-50-3-2
 Mandatory Minimum Term
 of Imprisonment: **None**
 Fine (\$ Range): Not more than **\$5,000** §35-50-3-2
 Mandatory Minimum Fine: **None**

Administrative Licensing Actions:
 Type of Licensing Action
 (Susp/Rev): **Suspension**⁴ §9-30-13-1

Other Criminal Actions Related to Speeding: (continued)

Criminal Recklessness: (continued)

Length of Term of License
 Withdrawal Action: **60 days to 2 years** §9-30-13-1
 Mandatory Term of License
 Withdrawal Action:

A **60 day** suspension appears to be mandatory. §9-30-13-1 & 140 IAC §1-4.5-10(d)

Other:

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while operating a CMV, they (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 or more violations within a 3 year period. §9-24-6-7

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

⁷ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §9-13-2-31

⁸ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §9-24-6-6

INDIANA

SPEED LAWS V